

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NICKIE R. LOGAN, : CIVIL ACTION  
Plaintiff. : #1:18-CV-2004  
V. : JUDGE: JONES  
JOHN E. WETZEL, SECRETARY :  
PA. DEPARTMENT OF CORRECTIONS, :  
1920 TECHNOLOGY PARKWAY, :  
MECHANICSBURG, PA. 17050., :  
Defendant. :

FILED  
SCRANTON

OCT 24 2018

PER   
DEPUTY CLERK

MEMORANDUM IN SUPPORT OF  
MOTION FOR PRELIMINARY INJUNCTION  
AND/OR TEMPORARY RESTRAINING ORDER

Plaintiff, Nickie R. Logan, pro-se, has submitted on September 27, 2018, a 42 U.S.C. 1983, Civil Action against Defendant John E. Wetzel, Secretary of Pennsylvania Department of Corrections for the Knowing, Intentional and Willful Violation of 1st Amendment Privileged Correspondence Right caused by Defendant Wetzel's NEW "ORDER/POLICY" TO Scan/Copy Privileged Correspondence into the Scanner/Copier Hard Drive Permanent Memory of Security Copier/Scanners AND, TO keeping the Original Legal Mail and it's Contents and provide Plaintiff with a Copy, without cause; and Failing to use the Deminimus Cost alternative avenue to accomplish the same clearly known objective alleged to be the cause for the NEW "ORDER/POLICY", and states in support of Granting this Motion:

1. Plaintiff, Nickie R. Logan, hereinafter referred to as Mr. Logan, is presently confined in SCI-Huntingdon, and still on

Direct Appeal of Conviction. Mr. Logan is being Represented by Federal Attorney's Lisa B. Freeland and Kimberly R. Brunson of the Western District Federal Public Defenders Office, verification of this can be made by going to the website: <http://paw.fd.org>, calling (412) 644-6565, these Attorney's have obtained a valid Attorney Control Number and utilize it as well as the (28 CFR §540.19) Federal Special Mail marking, the Return Address is clearly Visible and Readable when the Legal Mail arrives, thus, it is clearly marked Legal Mail and Privileged Correspondence, (Exhibit A, A1).

2. The Particulars of Mr. Logan's Legal Matters are not those that Corrections Officers/Security Teams and other Department of Corrections Employee's would have access to in the course of their day to day Job Duties, however, because they are following Defendant Wetzels NEW "ORDER/POLICY" of Scanning/Copying Legal Mail into the Hard Drive Permanent Memory of Security Copier/Scanners they can now Reproduce that Legal Mail and it's Contents and make available to anyone the Contents of that Legal Mail, the NEW "ORDER/POLICY" allows for the keeping of the Original Documents- the Legal Mail envelope and the Contents, this is privileged Information of which is protected under the 1st Amendment and in accordance with the 14th Amendment Mr. Logan retains this Right to have privileged Correspondence with the Court's and the Attorney's representing him, see Robinson v. Department of Corrections, 2007 U.S. Dist. LEXIS 4930, (reading prior Secretary of Corrections Jeffrey A. Beard, Deposition Testimony, p20)).

3. The NEW "ORDER/POLICY", attached as (Exhibit-E,E1,E2,E3),

which is the information provided during the Lockdown. This NEW "ORDER/POLICY" as highlighted shows clearly that Legal Mail is to be Copied, a Copy is to be provided and the Original is to be Kept. There is no Penological interest or exigent circumstance justification for this NEW "ORDER/POLICY". Mr. Logan's Attorney's have notified Mr. Logan that they will not, risk a breach of Confidentiality by discussing the particulars of his Direct Appeal, thus, Mr. Logan is suffering direct injury from not being able to receive Legal Mail discussing anything about the Direct Appeal, so the Privileged Information pertaining to Witnesses, Evidence, Investigator Findings, New Case decisions favorable, Appellate Matters, will not be discussed with Mr. Logan, as a result of Defendant Wetzel NEW "ORDER/POLICY" as highlighted (Exhibit-E, E1, E2, E3), being implemented/followed by SCI-Huntingdon Corrections Officers/Security Teams.

5. Mr. Logan asks that this Court Issue a Temporary Restraining Order and or a Preliminary Injunction to stop the Implementation of the NEW "ORDER/POLICY" by Defendant Wetzel and all SCI-Huntingdon Correctional Employee's, ie., Corrections Officers Mail Room Staff from Copying/Scanning into Permanent Memory Hard Drive of Security Copier/Scanner Legal Mail and it's Contents and from Keeping Original Legal Mail and it's Contents and to return to Mr. Logan, the Original Documents and to destroy from the Security Copier/Scanner Hard Drive Permanent Memory all Digital Data Stored allowing for reproduction of Legal Mail and it's contents and that this Restraining Order/Preliminary Injunction remain in force until

such time as Defendant Wetzel can prove with physical evidence that, the Clerk of this Middle District Federal Court or the Judge of this Middle District Federal Court, or the Federal Attorney's Representing him, or one of the Clerks or Judges of the Western District Federal Court, Eastern District Federal Court, or one of the Judges or Clerks of the State Superior Court, Court of Common Pleas, State Supreme Court, Commonwealth Court's sending Mr. Logan Legal Mail, has sent him some type of Illegal Substance, Synthetic Cannabinoid, Marijuana, Heroin, MDMA, Crushed Pills, or Drug listed in the Drug and Cosmetic Act under the Federal or Pennsylvania Crimes Code., and, how the Envelopes they have sent Mr. Logan Legal Mail in does not meet the Department of Corrections Mail Policy for Privileged Correspondence when it is clearly marked with an Attorney Control Number, Readable Return Address and, sent in an Court Stamped Envelope.

#### CONCLUSION

Mr. Logan, asks that this Court, grant the Motion for Temporary Restraining Order and or Grant the Preliminary Injunction with favor and Order that a Hearing be immediately held wherein Defendant Wetzel can produce Evidence showing the need to Implement his NEW "ORDER/POLICY", TO SCAN/COPY INTO PERMANENT MEMORY HARD DRIVE LEGAL MAIL AND KEEP ORIGINAL DOCUMENTS, and explain why he has not used the Deminimus cost alternative available.

RESPECTFULLY SUBMITTED,

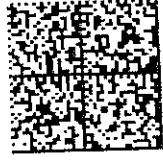
DATED: 10-19-18

Thickie R. Sogun

Name Nickie R. Logan  
Number LJ 2274

1100 Pike Street  
Huntingdon, PA 16654-1112

INMATE MAIL  
PA DEPARTMENT  
OF CORRECTIONS



U.S. POSTAGE PITNEY BOWES  
ZIP 16652 \$ 002.26<sup>0</sup>  
02 1W  
0001395447 OCT 22 2018

Clerk of Court  
United States District Court  
235 North Washington Avenue  
Scranton, Pa. 18501.

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OCT 24 2018

PER [Signature]  
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Inmate Mail - PA DEPT OF CORRECTIONS